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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,947	02/18/2004	Emmanuel Sedda	GRY-120US	2301
23122	7590	05/03/2005	EXAMINER	
RATNERPRESTIA			CHANG, CHING	
P O BOX 980			ART UNIT	
VALLEY FORGE, PA 19482-0980			PAPER NUMBER	

3748

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,947

Applicant(s)

SEDDA ET AL.

Examiner

Ching Chang

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06/28/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

This Office acknowledges the Preliminary Amendment filed on 02/18/2004.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. ***Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.***

More specifically, "said stop" in claim 1 lacks antecedent basis, thus renders the claimed subject matter indefinite.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Patel (US Patent 4,533,890).

Patel discloses an electromechanical valve actuator (10) for internal combustion engines, comprising an electromagnet (12, 68; 14, 70) and a mobile magnetic plate (28) intended to come into contact with a part of the electromagnet, at least one stop (30; 34) being located on the electromagnet or on the plate to limit a contact surface between the plate and the electromagnet, wherein the electromagnet comprises a magnet (52, 48, 50, 54) in a magnetic circuit (See Figs. 3A-3C); wherein the stop is located essentially in the center of the contact surface between the electromagnet and the plate; wherein the stop is located on an axis that is collinear with an axis (of 18) of translation of the plate; wherein the electromagnet comprises an E-shaped magnetic circuit, and the stop is located at an end of one of three essentially parallel branches that form the E-shaped magnetic circuit (See Figs. 3A-3C); wherein when the electromagnet and the plate are in contact with one another, the stop maintains an air gap between each end branch of the magnetic circuit of the electromagnet and the plate (See Figs. 1-2).

5. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Baier et al. (DE 100 03 928 A1).

Baier discloses an internal combustion engine equipped with a electromechanical valve actuator (See Figs. 1, 3), comprising an electromagnet (6, 7) and a mobile magnetic plate (8, 28a, 28b) intended to come into contact with a part of the

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electromagnet, at least one stop (part of 6 and 7, part of 8) being located on the electromagnet or on the plate to limit a contact surface between the plate and the electromagnet, wherein the electromagnet comprises a magnet (27a; 29) in a magnetic circuit; wherein the stop is located essentially in the center of the contact surface between the electromagnet and the plate; wherein the stop is located on an axis that is collinear with an axis (14) of translation of the plate; wherein the at least one stop includes a plurality of stops (part of 6 and 7, part of 8) and each of the plurality of stops located on one of the electromagnet and the plate, the stops between arranged symmetrically in relation to an axis of translation of the plate (14); wherein the electromagnet comprises an E-shaped magnetic circuit, and the stop is located at an end of one of three essentially parallel branches that form the E-shaped magnetic circuit (See Figs. 1, 3); wherein when the electromagnet and the plate are in contact with one another, the stop maintains an air gap between each end branch of the magnetic circuit of the electromagnet and the plate (See Figs. 1, 3); wherein the magnet is located on the surface of one of the three essentially parallel branches of the E-shaped circuit, opposite the magnetic plate; further comprising a second magnet, wherein the first and second magnets are located on a surface of the E-shaped circuit, and the stop is located between the first and second magnets (See Figs. 1, 3).

6. ***Claims 1-4, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Piaccabrino et al. (FR 2784497 A1).***

Piaccabrino discloses an internal combustion engine equipped with a electromechanical valve actuator (See Fig. 1), comprising an electromagnet (36, 38, 42, 44) and a mobile magnetic plate (22, 40) intended to come into contact with a part of the electromagnet, at least one stop (part of 36 and 42, part of 22) being located on the electromagnet or on the plate to limit a contact surface between the plate and the electromagnet, wherein the electromagnet comprises a magnet (part of 36 and 42) in a magnetic circuit; wherein the stop is located essentially in the center of the contact surface between the electromagnet and the plate; wherein the stop is located on an axis that is collinear with an axis of translation of the plate; wherein the at least one stop includes a plurality of stops (part of 36 and 42, part of 22) and each of the plurality of stops located on one of the electromagnet and the plate, the stops between arranged symmetrically in relation to an axis of translation of the plate (See Fig. 1)

Conclusion

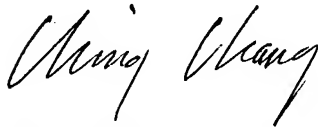
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ching Chang whose telephone number is (571)272-4857. The examiner can normally be reached on M-Th, 7:00 AM -5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion can be reached on (571)272-4859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner



Ching Chang



THOMAS DENION
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700